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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/598,856
Filing Date: June 21, 2000
Appellant(s): RUCKER ET AL.

Gregory Leibold
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/01/08 appealing from the Office action mailed 03/21/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Pre-Appeal Brief filed on August 13, 2007 in Application No. 09/598,856.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2005/0055306 A1	MILLER et al.	03-2005
6,067,551	BROWN et al.	05-2000

Art Unit: 2178

6,560,719 B1	PHAM et al.	05-2000
5,890,177	MOODY et al.	03-1999
5,958,005	THORNE et al.	11-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., US 6,067,551, 5/23/00 (filed 11/14/97) in view of Miller et al., US 2005/0055306 A1, 03/10/05 (filed 10/20/04, division of application filed on 09/21/99).

Applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity at the time this invention was made, or was subject to a joint research agreement at the time this invention was made. However, reference Brown et al. additionally qualifies as prior art under another subsection of 35 U.S.C. 102, and therefore, is not disqualified as prior art under 35 U.S.C. 103(c).

Applicant may overcome the applied art either by a showing under 37 CFR 1.132 that the invention disclosed therein was derived from the invention of this application, and is therefore, not the invention "by another," or by antedating the applied art under 37 CFR 1.131.

In reference to claim 1, Brown teaches a simultaneous multi-user editing of a document which meets the preamble, **a method for enabling simultaneous multi-user editing of an original document**. See abstract. Brown's system comprises the following:

-Allowing a user to access a document for editing which meets the limitation, **receiving a request form a first user to open the original document**. See column 1, lines 45-55.

-Recognizing multiple-user editing of the document which meets the limitation, **determining whether the original document is open at a second user**. See column 2, lines 45-65 and column 18, lines 45-65. Brown, column 11, lines 15-42 where Brown teaches a user saving a file has exclusive rights to save the original document so long as the MCF is in an "unlocked mode", where no other users are saving. Once the user initiates a "save" operation, then at that moment, the user has **exclusive rights to save the original document** because no other user will be able to save their document which meets the limitation, **wherein the second user has exclusive rights to save the original document while the original document is open at the second user**.

-Creating a local copy of the document for editing by each user where the first copy duplicates the master copy. Brown teaches creating a local copy of the document for editing by each user where the first copy duplicates the master copy. See column 18, lines 45-65 and column 2, lines 45-65. It is inherent in Brown's system that the duplicate copies of the master copy would be linked to the path of the original document that is used by the MCF which meets the limitation, **in response to a determination**

that the original document is open at the second user, creating a local copy and storing a path of the original document with the local copy. See column 18, lines 45-65 and column 2, lines 45-65.

-In response to a save operation, if a current edit is being made to a paragraph in the master copy, the user's local copy is updated to correlate with the latest saved version of the master copy, while preserving current edits still pending. If an edit is not being made by another user, then updating the local copy with the latest saved version of the master copy which meets the limitation, ***in response to a receipt of a request to save changes to the local copy, determining whether the original document is still open at the second user; in response to a determination that the original document is still open at the second user, merging the local copy with the original document.*** See figures 2A-2E and figure 3 and column 11, lines 15-67.

Regarding the limitation, "wherein the second user has exclusive rights to save the original document while the original document is open at the second user", Brown teaches that if user is the first to access a master copy then the MCF is created and locked when the first user is making a save operation, all other users are denied access to the MCF. See column 12, lines 26-51.

Brown teaches creating a local copy of the document for editing by each user where the first copy duplicates the master copy. See column 18, lines 45-65 and column 2, lines 45-65. It is inherent in Brown's system that the duplicate copies of the master copy would be linked to the path of the original document that is used by the MCF. The "MCF" is a multi-user control file where all the edits by users are ultimately

saved; however, it does not serve as a central server where the user edits the master copy residing on a central server. Instead the MCF serves to save a control file in the resident system memory on the file server as well as a copy on the local resident memory of a user. User 1 and User 2 can create a "record" within the MCF for a master copy where it includes a version identifier. A master copy and a duplicate copy of the user record file for a user can then be copied to the local resident memory of the user's remote computer to create a local copy of the document and a local copy of the record file. The user is then able to view and edit the local copy of the master copy as desired. The master copy remains intact on the file server. See columns 11-12. In other words, the edits made by the user are made to the local copy, not the master copy residing on a central server process. The local copy inherently contains a path to the master copy as is illustrated by the "save" aspect of the system. When a user completes his edits and wishes to save the edits made to the local copy, the system first determines whether the MCF (multi user control file) is available for updates. This step inherently involves storing the path of the original or master document with the local copy and "storing the path of the original document with the local copy of the original document". See columns 11-12.

Brown does not necessarily teach prompting a user to decide between saving the local copy with the path of the original document such that a subsequent merge of the saved local copy and the original document can be performed, and saving the local copy as a separate file as compared to the original document in response to a

determination that the original document is still open at a second user; however, Miller does.

Miller teaches a system in which users can check in and out files. Only the user who has checked out a file can save changes to a file. A person cannot replace a file if it is checked out by another user which meets the limitation ***in response to a determination that the original document is still open at a second user***. A user can upload a new version of the file by specifying the location of the file on disk or can indicate that the version of the file currently in the repository is to be retained. See page 10, paragraphs [0175]-[0177]. A user has the option of modifying a file and either uploading it as a new file or different version of a current one, but the file can only be replaced if the user has checked it out which meets the limitation ***prompting the first user to decide between saving the local copy with the path of the original document such that a subsequent merge of the saved local copy and the original document can be performed, and saving the local copy as a separate file compared to the original document***. See page 9, paragraphs [0166]-[0173].

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Miller's prompting a user to decide on either uploading a new file or replacing the old file in the system of Brown because in a collaborative environment it was desirable to limit the replacing of a file by saving changes when the file was in use by another user in order to better manage the edits made to a document. See page 8, paragraphs [0119]-[0137] and page 10, paragraphs [0175]-[0177] of Miller

where simultaneous multi-user editing and the need for better management is discussed..

In reference to claim 2, Brown teaches a unlock/lock flag associated with a master copy to indicate whether the copy is in use or not by another user. See column 11, lines 43-50.

In reference to claim 4, Brown teaches that In response to a save operation, if a current edit is being made to a paragraph in the master copy, the user's local copy is updated to correlate with the latest saved version of the master copy, while preserving current edits still pending. Once the local copy is merged with the master copy, the edits are saved in the master copy for future use. See figures 2A-2E and figure 3 and column 11, lines 15-67.

In reference to claim 5, Brown teaches a simultaneous multi-user editing of a document. See abstract. Brown's system comprises the following:

-Allowing a user to access a document for editing. See column 1, lines 45-55.

Compare to ***"receiving a request from a first user to open the original document"***.

-Recognizing multiple-user editing of the document. See column 2, lines 45-65 and column 18, lines 45-65. Creating a local copy of the document for editing by each user where the first copy duplicates the master copy. Brown teaches creating a local copy of

the document for editing by each user where the first copy duplicates the master copy. See column 18, lines 45-65 and column 2, lines 45-65. It is inherent in Brown's system that the duplicate copies of the master copy would be linked to the path of the original document that is used by the MCF. Compare to ***in response to a determination that the original document is open at a second user, creating and storing a local copy and storing a path of the original document with the local copy.*** See column 18, lines 45-65 and column 2, lines 45-65.

-Recognizing multiple-user editing of the document which meets the limitation, ***determining whether the original document is open at a second user.*** See column 2, lines 45-65 and column 18, lines 45-65. Brown, column 11, lines 15-42 where Brown teaches a user saving a file has exclusive rights to save the original document so long as the MCF is in an "unlocked mode", where no other users are saving. Once the user initiates a "save" operation, then at that moment, the user has **exclusive rights to save the original document** because no other user will be able to save their document which meets the limitation, ***wherein the second user has exclusive rights to save the original document while the original document is open at the second user.***

-Upon a user saving and closing the master copy, the user version number is compared to that one user to the master copy version identifier number and based on that comparison, reconciling the master copy and the local copy of the document. If there is a conflict, the reconciliation waits until the pending edits takes place. Meanwhile, a different user can access the master copy. See columns 13-14, "Reconciliation Procedure" and "Conflict Resolution Procedure", lines 43-52. See also figures 2A-2E

and 3 and columns 11, lines 15-67 and 18-19. Compare to ***notifying the first user that the original document is no longer open.***

Brown does not necessarily teach ***prompting a user to decide whether to merge changes made in the local copy into the original document or periodically determining if the original document is still open at another user***; however, Miller does.

Miller teaches a system in which users can check in and out files. Only the user who has checked out a file can save changes to a file. A person cannot replace a file if it is checked out by another user. A user can upload a new version of the file by specifying the location of the file on disk or can indicate that the version of the file currently in the repository is to be retained which meets the limitations, ***prompting a user to decide whether to merge changes to the local copy into the original document; and merging changes made to the local copy into the original document, the location of the original document being identified by the stored path.*** See page 10, paragraphs [0175]-[0177]. A user has the option of modifying a file and either uploading it as a new file or different version of a current one, but the file can only be replaced if the user has checked it out. See page 9, paragraphs [0166]-[0173].

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Miller's prompting a user to decide on either uploading a new file or replacing the old file in the system of Brown because in a collaborative environment it was desirable to limit the replacing of a file by saving changes when the

file was in use by another user in order to better manage the edits made to a document. See page 8, paragraphs [0119]-[0137] and page 10, paragraphs [0175]-[0177].

In reference to claim 6, Brown teaches recognizing multiple-user editing of the document. See column 2, lines 45-65 and column 18, lines 45-65. Brown also teaches creating a local copy of the document for editing by each user where the first copy duplicates the master copy. See column 18, lines 45-65 and column 2, lines 45-65.

In reference to claim 8, upon a user saving and closing the master copy, the user version number is compared to that one user to the master copy version identifier number and based on that comparison, reconciling the master copy and the local copy of the document. If there is a conflict, the reconciliation waits until the pending edits takes place. Meanwhile, a different user can access the master copy. See columns 13-14, "Reconciliation Procedure" and "Conflict Resolution Procedure", lines 43-52. See also figures 2A-2E and 3 and columns 11, lines 15-67 and 18-19.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., US 6,067,551, 5/23/00 (filed 11/14/97) in view of Miller et al., US 2005/0055306 A1, 03/10/05 (filed 10/20/04, division of application filed on 09/21/99), as applied to claim 5 above, and further in view of Pham et al., US 6,560,719 B1, 6,560,719B1, filed 5/17/00.

In reference to claim 7, Pham teaches a system in which a remote platform is enabled to duplicate each registry key change in a local platform. See abstract. Pham also teaches that a backup of a registry key from a local computer to a remote computer is kept in order to synchronize the data involved upon the occurrence of any changes. Furthermore, a duplicate copy is always stored and available should any problem occur with the local platform such as a modification. See column 2, lines 45-67. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate registry key association with a local copy in the system of Brown because it keeps the user from having to provide a manual backing-up of the registry keys everytime something is updated. See column 2, lines 1-15. Furthermore, it saves a considerable amount of time and effort to accomplish the synchronization process. See column 2.

Claims 13-14, 16, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., US 6,067,551, 5/23/00 (filed 11/14/97) in view of Pham et al., US 6,560,719 B1, 6,560,719B1, filed 5/17/00.

In reference to claim 13, Brown teaches a simultaneous multi-user editing of a document. See abstract. See figure 2A for the file server. Compare to ***“a file server operative to maintain an original document at a document location; a first local document editor of a first user operative to make changes to the original document”***. Brown teaches a unlock/lock flag associated with a master copy to

indicate whether the copy is in use or not by another user. See column 11, lines 43-50.

Compare to ***“set a flag on the original document, the flag indicating that the original document is open at the first user”***. If the flag is locked, then the re is a specified amount of time to allow the master file to be set in unlock mode so that the user's local copy overwrites the master copy. See figures 2A-2E.

Regarding the limitation, ***“wherein the first user has exclusive rights to save the original document while the original document is open at the first user”***, Brown teaches that if user is the first to access a master copy then the MCF is created and locked when the first user is making a save operation, all other users are denied access to the MCF. See column 12, lines 26-51.

Brown teaches a second user can request access to the master copy upon which a local copy is provided. See columns 11-12.

Brown further teaches that a user's local copy must first be updated from the master copy before a local copy can be saved. The user's latest saved local copy is compared to the master copy in a paragraph-by-paragraph manner to determine if any subsequent edits made to the master copy were to a specific paragraph that was edited by the user since the last save operation. Thus it identifies whether conflicts are present with respect to any of the current edits being made. If there are conflicts, a dialog box is displayed to the user interface screen that displays the conflicts that are present and requests the user to either “accept” or “reject” each of the conflicting previous edits. See column 14 “Conflict Resolution Procedure”. See columns 13-14. See column 3, lines 30-67. Compare to ***“in response to determination that the flag***

is set. . .create a local copy of the original document and to store the document location with the local copy, so that the change to the local copy can be merged with the original document at a later time."

Miller teaches the processor at the same time creates a local copy of the document for the remote user and assigns the master copy of the document and the local copy of the document version identifier numbers. The processor of each remote computer then accesses the MCF on the shared server. The MCF tracks the version identifiers of the various documents and controls the timing of access to the master copy when each respective local user attempts to save edits. See column 3, lines 30-67. However, Miller does not expressly state storing the document location with the ***local copy as a registry key associated with the local copy.***

Pham teaches a system in which a remote platform is enabled to duplicate each registry key change in a local platform. See abstract. Pham also teaches that a backup of a registry key from a local computer to a remote computer is kept in order to synchronize the data involved upon the occurrence of any changes. Furthermore, a duplicate copy is always stored and available should any problem occur with the local platform such as a modification. See column 2, lines 45-67. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate registry key association with a local copy in the system of Brown because it keeps the user from having to provide a manual backing-up of the registry keys every time something is updated. See column 2, lines 1-15. Furthermore, it saves a considerable amount of time and effort to accomplish the synchronization process. See column 2.

In reference to claim 14, Brown teaches recognizing multiple-user editing of the document. See column 2, lines 45-65 and column 18, lines 45-65. Creating a local copy of the document for editing by each user where the first copy duplicates the master copy. See column 18, lines 45-65 and column 2, lines 45-65.

In reference to claim 16, If the flag is locked, then there is a specified amount of time to allow the master file to be set in unlock mode so that the user's local copy overwrites the master copy. See figures 2A-2E.

In reference to claim 21, Brown teaches a simultaneous multi-user editing of a document. See abstract. Compare to ***“a method for enabling simultaneous multi-user editing of an original document file without reference to a multi-user control file”***. Brown's system comprises the following:

-Allowing a user to access a document for editing. See column 1, lines 45-55.

Compare to ***“receiving a request from a first user to open the original document”***.

-Recognizing multiple-user editing of the document. Compare to ***“determining whether the original document is in use by a second user”***. See column 2, lines 45-65 and column 18, lines 45-65

-Creating a local copy of the document for editing by each user where the first copy duplicates the master copy. Compare to ***“in response to a determination . . . creating***

a local document file. . . and storing a path of the original document. . .. See column 18, lines 45-65 and column 2, lines 45-65.

-In response to a save operation, if a current edit is being made to a paragraph in the master copy, the user's local copy is updated to correlate with the latest saved version of the master copy, while preserving current edits still pending. If an edit is not being made by another user, then updating the local copy with the latest saved version of the master copy. See figures 2A-2E and figure 3 and column 11, lines 15-67. Brown teaches creating a local copy of the document for editing by each user where the first copy duplicates the master copy. See column 18, lines 45-65 and column 2, lines 45-65. It is inherent in Brown's system that the duplicate copies of the master copy would be linked to the path of the original document that is used by the MCF. Compare to ***"in response to a receipt of a request to save changes. . .determining whether the original document is still in use by another user; in response to a determination that the original document is not still in use by another user, merging the local copy with the original document; in response to a determination that the original document is still in use by another user, saving the local document file with the path. . .part of the local document file."***

- Brown teaches that a user's local copy must first be updated from the master copy before a local copy can be saved. The user's latest saved local copy is compared to the master copy in a paragraph-by-paragraph manner to determine if any subsequent edits made to the master copy were to a specific paragraph that was edited by the user since the last save operation. Thus it identifies whether conflicts are present with respect to

any of the current edits being made. If there are conflicts, a dialog box is displayed to the user interface screen that displays the conflicts that are present and requests the user to either "accept" or "reject" each of the conflicting previous edits. See column 14 "Conflict Resolution Procedure". See columns 13-14. Compare to ***"in response to a request from a user to open the saved local document file, prompting the user to merge. . .the original document file; wherein the original document file is progressively updated with merged edits. . .may be accessed by subsequent editors"***.

Miller teaches the processor at the same time creates a local copy of the document for the remote user and assigns the master copy of the document and the local copy of the document version identifier numbers. The processor of each remote computer then accesses the MCF on the shared server. The MCF tracks the version identifiers of the various documents and controls the timing of access to the master copy when each respective local user attempts to save edits. See column 3, lines 30-67. However, Miller does not expressly state storing the document location with the ***local copy as a registry key associated with the local copy.***

Pham teaches a system in which a remote platform is enabled to duplicate each registry key change in a local platform. See abstract. Pham also teaches that a backup of a registry key from a local computer to a remote computer is kept in order to synchronize the data involved upon the occurrence of any changes. Furthermore, a duplicate copy is always stored and available should any problem occur with the local

platform such as a modification. See column 2, lines 45-67. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate registry key association with a local copy in the system of Brown because it keeps the user from having to provide a manual backing-up of the registry keys every time something is updated. See column 2, lines 1-15. Furthermore, it saves a considerable amount of time and effort to accomplish the synchronization process. See column 2.

In reference to claim 22, Brown teaches a simultaneous multi-user editing of a document. See abstract. Brown's system comprises the following:

-Allowing a user to access a document for editing. See column 1, lines 45-55.

Compare to ***"receiving a request form a first user to open the original document"***.

-Recognizing multiple-user editing of the document. See column 2, lines 45-65 and column 18, lines 45-65. Creating a local copy of the document for editing by each user where the first copy duplicates the master copy. Compare to ***"in response to a determination . . . creating a local copy and storing a path of the original document"***. See column 18, lines 45-65 and column 2, lines 45-65.

-Upon a user saving and closing the master copy, the user version number is compared to that one user to the master copy version identifier number and based on that comparison, reconciling the master copy and the local copy of the document. If there is a conflict, the reconciliation waits until the pending edits takes place. Meanwhile, a different user can access the master copy. See columns 13-14, "Reconciliation Procedure" and "Conflict Resolution Procedure", lines 43-52. See also figures 2A-2E

and 3 and columns 11, lines 15-67 and 18-19. Compare to ***“notifying the first user that the original document is no longer in use. . .merging changes. . .identified by the stored path”***.

In reference to claim 23, upon a user saving and closing the master copy, the user version number is compared to that one user to the master copy version identifier number and based on that comparison, reconciling the master copy and the local copy of the document. If there is a conflict, the reconciliation waits until the pending edits takes place. Meanwhile, a different user can access the master copy. See columns 13-14, “Reconciliation Procedure” and “Conflict Resolution Procedure”, lines 43-52. See also figures 2A-2E and 3 and columns 11, lines 15-67 and 18-19.

Regarding claim 24, Brown teaches a unlock/lock flag associated with a master copy to indicate whether the copy is in use or not by another user. See column 11, lines 43-50.

Claims 3 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., US 6,067,551, 5/23/00 (filed 11/14/97) in view of Miller et al., US 2005/0055306 A1, 03/10/05 (filed 10/20/04, division of application filed on 09/21/99), as applied to claim 1, above, and further in view of Moody et al., US 5,890,177, 3/30/99 (filed 4/24/96).

Regarding claims 3 and 9-10, neither Brown nor Miller disclose creating an email note with the local copy as an attachment and sending the email note to another user for the subsequent merge. Moody discloses that after producing the document, the author may desire to obtain comments from three review editors, which comments the author will then consider in order to produce a final document. Accordingly, the author makes three copies, 202, 204 and 206, of the document 200 as shown in FIG. 2A. These copies are then transmitted to the three editors, Editor A, Editor B and Editor C. The copies can be transmitted over a local area network, via the internet, or e-mail. See figure 2A and column 4, lines 20-45. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Moody's emailing of local copies to various users in the system of Brown/Miller because it helps facilitate the feedback process in editing a document.

Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., US 6,067,551, 5/23/00 (filed 11/14/97) and Pham et al., US 6,560,719 B1, 6,560,719B1, filed 5/17/00, as applied to claim 21 above, and further in view of Moody et al., US 5,890,177, 3/30/99 (filed 4/24/96).

Regarding claims 25-26, neither Brown nor Pham discloses creating an email note with the local copy as an attachment and sending the email note to another user for the subsequent merge. Moody discloses that after producing the document, the author may desire to obtain comments from three review editors, which comments the

author will then consider in order to produce a final document. Accordingly, the author makes three copies, 202, 204 and 206, of the document 200 as shown in FIG. 2A. These copies are then transmitted to the three editors, Editor A, Editor B and Editor C. The copies can be transmitted over a local area network, via the Internet, or e-mail. See figure 2A and column 4, lines 20-45. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Moody's emailing of local copies to various users in the system of Brown/Pham because it helps facilitate the feedback process in editing a document.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., US 6,067,551, 5/23/00 (filed 11/14/97) in view of Miller et al., US 2005/0055306 A1, 03/10/05 (filed 10/20/04, division of application filed on 09/21/99) and Moody et al., US 5,890,177, 3/30/99 (filed 4/24/96), as applied to claim 10 above, and further in view of Thorne et al., US 5,958,005, 11/28/99 (filed 7/17/97).

In reference to claims 11-12, Moody teaches emailing local copies to the editors; however, Moody does not teach inserting a default entry into the subject or message body field of the email note; however, Thorne does. Thorne teaches a method for communicating data text messages such as e-mail in which the fields are filled with default values so that the user can retain all the values without having to compose the message. See column 7, lines 1-15 and abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Thorne's default entry

into email fields in the system of Moody since a default entry keeps the user from having to enter information into the fields. See column 7, lines 1-15 of Thorne.

Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., US 6,067,551, 5/23/00 (filed 11/14/97) and Pham et al., US 6,560,719 B1, 6,560,719B1, filed 5/17/00 and Moody et al., US 5,890,177, 3/30/99 (filed 4/24/96), as applied to claim 25 above, and further in view of Thorne et al., US 5,958,005, 11/28/99 (filed 7/17/97).

In reference to claims 27-28, Moody teaches emailing local copies to the editors; however, Moody does not teach inserting a default entry into the subject or message body field of the email note; however, Thorne does. Thorne teaches a method for communicating data text messages such as e-mail in which the fields are filled with default values so that the user can retain all the values without having to compose the message. See column 7, lines 1-15 and abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Thorne's default entry into email fields in the system of Moody since a default entry keeps the user from having to enter information into the fields. See column 7, lines 1-15 of Thorne.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., US 6,067,551, 5/23/00 (filed 11/14/97) in view of Pham et al., US 6,560,719 B1, 6,560,719B1, filed 5/17/00, as applied to claim 13, above, and further in view of Moody et al., US 5,890,177, 3/30/99 (filed 4/24/96).

Regarding claims 17-18, neither Brown nor Pham disclose creating an email note with the local copy as an attachment and sending the email note to another user for the subsequent merge. Moody discloses that after producing the document, the author may desire to obtain comments from three review editors, which comments the author will then consider in order to produce a final document. Accordingly, the author makes three copies, 202, 204 and 206, of the document 200 as shown in FIG. 2A. These copies are then transmitted to the three editors, Editor A, Editor B and Editor C. The copies can be transmitted over a local area network, via the internet, or e-mail. See figure 2A and column 4, lines 20-45. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Moody's emailing of local copies to various users in the system of Brown/Pham because it helps facilitate the feedback process in editing a document.

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., US 6,067,551, 5/23/00 (filed 11/14/97) in view of Pham et al., US 6,560,719 B1, 6,560,719B1, filed 5/17/00, as applied to claim 13, above, and further in view of Thorne et al., US 5,958,005, 11/28/99 (filed 7/17/97).

In reference to claims 19-20, neither Brown nor Pham teach inserting a default entry into the subject or message body field of the email note; however, Thorne does. Thorne teaches a method for communicating data text messages such as e-mail in

which the fields are filled with default values so that the user can retain all the values without having to compose the message. See column 7, lines 1-15 and abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Thorne's default entry into email fields in the system of Brown/Pham since a default entry keeps the user from having to enter information into the fields. See column 7, lines 1-15 of Thorne.

(10) Response to Argument

Beginning on page 10 of the Brief, Appellant argues Brown in combination with Miller does not disclose the limitations of claims 1 and 5.

Specifically, Appellant argues Brown does not teach ***determining whether the original document is open at a second user, wherein the second user has exclusive rights to save the original document while the original document is open at the second user.*** Appellant further argues Brown does not take any actions ***in response to a determination that the original document is open at another user.*** See page 11 of the Brief.

Appellant further argues the determination step is irrelevant in Brown because every user receives a local copy of a document and no user has exclusive saving rights.

Examiner disagrees.

Brown discloses a method for simultaneous multi-user editing of document where the system recognizes multiple-user editing of the document which meets the limitation,

determining whether the original document is open at a second user. See column 2, lines 45-65 and column 18, lines 45-65. In fact, Brown even discusses in the "Background of the Invention" that word processing programs currently allow only one user access to the master copy and deny further access to subsequent or second users (see column 1, lines 12-31). Brown teaches a method and system for allowing another user access to the document when the document is already in use by another user by creating a local copy of the document. Brown even delves further into problems that arise when a document is in use by another user and how to go about resolving conflicts that occur when a user is attempting to edit or save the same document. See column 1, lines 55-67 and column 2, lines 1-45. Therefore, Brown does teach determining when a document is open at a second user because the purpose of Brown's system is to enable editing and saving of documents even when they are open at another user.

With respect to Appellant's argument that Brown does not teach **wherein the second user has exclusive rights to save the original document while the original document is open at the second user**, Examiner points to Brown, column 11, lines 15-42 where Brown teaches a user saving a file has exclusive rights to save the original document so long as the MCF is in an "unlocked mode", where no other users are saving. Once the user initiates a "save" operation, then at that moment, the user has **exclusive rights to save the original document** because no other user will be able to save their document.

Appellant generally argues on page 11 of the Brief that no actions are taken in response to a determination that a document is open at a second user.

Examiner disagrees.

The first action required by the claims is ***creating a local copy and storing the path of the original document with the local copy in response to a determination that the document is open at a second user***. Brown teaches creating a local copy of the document for editing by each user where the first copy duplicates the master copy. Brown teaches creating a local copy of the document for editing by each user where the first copy duplicates the master copy. See column 18, lines 45-65 and column 2, lines 45-65. It is inherent in Brown's system that the duplicate copies of the master copy would be linked to the path of the original document that is used by the MCF which meets the limitation, ***in response to a determination that the original document is open at the second user, creating a local copy and storing a path of the original document with the local copy***. See column 18, lines 45-65 and column 2, lines 45-65.

Appellant seems to argue the creation of local copies is not in response to a determination that the original document is open at another user. Examiner disagrees with this assertion. Brown distinguishes from a single user and multiple users. Brown teaches that if only a **single** user were to edit the document, then a master copy (i.e. original) of the document would be opened directly from the server. See column 10, lines 66-67 through column 11, lines 1-3. However, in a multiple user environment (i.e. User 1 and User 2), the creation of local copies occurs. See column 11. Therefore,

Brown certainly teaches opening local copies in response to determining multi-user editing of a document.

The second action required by the claims in response to a determination that the document is open at a second user are save operations. If the document is not open at the second user, then the location of the original document is identified and the changes to the local copy are merged with the original document. Brown teaches in response to a save operation, if a current edit is being made to a paragraph in the master copy, the user's local copy is updated to correlate with the latest saved version of the master copy, while preserving current edits still pending. If an edit is not being made by another user, then updating the local copy with the latest saved version of the master copy which meets the limitation, ***in response to a receipt of a request to save changes to the local copy, determining whether the original document is still open at the second user; in response to a determination that the original document is still open at the second user, merging the local copy with the original document.*** See figures 2A-2E and figure 3 and column 11, lines 15-67. Regarding the limitation, "wherein the second user has exclusive rights to save the original document while the original document is open at the second user", Brown teaches that if user is the first to access a master copy then the MCF is created and locked when the first user is making a save operation, all other users are denied access to the MCF. See column 12, lines 26-51.

When the document is **open at a second user and in "locked" mode**, Brown does not teach prompting the user to decide between saving the local copy with the

path of the original and saving it as a separate file. However, Miller teaches a system in which users can check in and out files. Only the user who has checked out a file can save changes to a file. A person cannot replace a file if it is checked out by another user which meets the limitation ***in response to a determination that the original document is still open at a second user***. A user can upload a new version of the file by specifying the location of the file on disk or can indicate that the version of the file currently in the repository is to be retained. See page 10, paragraphs [0175]-[0177]. A user has the option of modifying a file and either uploading it as a new file or different version of a current one, but the file can only be replaced if the user has checked it out which meets the limitation ***prompting the first user to decide between saving the local copy with the path of the original document such that a subsequent merge of the saved local copy and the original document can be performed, and saving the local copy as a separate file compared to the original document***. See page 9, paragraphs [0166]-[0173]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Miller's prompting a user to decide on either uploading a new file or replacing the old file in the system of Brown because in a collaborative environment it was desirable to limit the replacing of a file by saving changes when the file was in use by another user in order to better manage the edits made to a document. See page 8, paragraphs [0119]-[0137] and page 10, paragraphs [0175]-[0177] of Miller where simultaneous multi-user editing and the need for better management is discussed..

Appellant argues the teachings of Miller do not cure the deficiencies of Brown. Appellant argues Miller does not teach prompting a user to decide between saving the local copy with a path to the original or as a separate file.

Examiner disagrees.

Miller teaches presenting **options** to a user which meets the limitation, ***prompting the user to decide***. See page 9, paragraphs [0166]-[0173]. Further, as stated above, Miller teaches a system in which users can check in and out files. Only the user who has checked out a file can save changes to a file. A person cannot replace a file if it is checked out by another user which meets the limitation ***in response to a determination that the original document is still open at a second user***. A user can upload a new version of the file by specifying the location of the file on disk or can indicate that the version of the file currently in the repository is to be retained. See page 10, paragraphs [0175]-[0177]. A user has the option of modifying a file and either uploading it as a new file or different version of a current one, but the file can only be replaced if the user has checked it out which meets the limitation ***prompting the first user to decide between saving the local copy with the path of the original document such that a subsequent merge of the saved local copy and the original document can be performed, and saving the local copy as a separate file compared to the original document***. See page 9, paragraphs [0166]-[0173].

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Miller's prompting of a user to decide on either uploading a new file or replacing the old file in the system of Brown because in a collaborative environment it was desirable to limit the replacing of a file by saving changes when the file was in use by another user in order to better manage the edits made to a document. See page 8, paragraphs [0119]-[0137] and page 10, paragraphs [0175]-[0177] of Miller where simultaneous multi-user editing and the need for better management is discussed.

On pages 14-15 of the Brief, Appellant makes similar arguments with respect to claim 5 as stated above with respect to claim 1. Therefore, Examiner refers to comments above with respect to claim 1. Additionally, Appellant argues Miller does not teach monitoring whether a document is no longer open at another user. Examiner disagrees because Miller teaches when a file is checked out, another user is limited in what they can do. However, once that file is no longer checked out, other users can merge changes to the original document and not as a version.

On pages 15-16 of the Brief, Appellant makes similar arguments with respect to claims 13 and 21 as stated above with respect to claim 1. Therefore, Examiner refers to

comments above with respect to claim 1. Additionally, Appellant argues the motivation for combining Pham with Brown. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Examiner maintains position that although Miller does not expressly state storing the document location with the **local copy as a registry key associated with the local copy**. Pham teaches a system in which a remote platform is enabled to duplicate each registry key change in a local platform. See abstract. Pham also teaches that a backup of a registry key from a local computer to a remote computer is kept in order to synchronize the data involved upon the occurrence of any changes. Furthermore, a duplicate copy is always stored and available should any problem occur with the local platform such as a modification. See column 2, lines 45-67. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate registry key association with a local copy in the system of Brown because it keeps the user from having to provide a manual backing-up of the registry keys every time something is updated. See column 2, lines 1-15. Furthermore, it saves a considerable amount of time and effort to accomplish the synchronization process. See column 2.

Art Unit: 2178

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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